REMARKS

SPECIFICATION

The Examiner considers the amendment filed on April 17, 2003 as introducing new matter into the disclosure. Although the Applicant continues to respectfully disagree with the Examiner's objection, the provision regarding the revolutions per minute has been deleted.

35 USC §112

Claims 1-10 and 15-17 are rejected under 35 USC §112 as failing to comply with the written description requirement. The Applicant respectfully disagrees, especially in view of the amendments presented herein. The phrase " at a rotational speed of greater than about 200 revolutions per minute" has been removed from claim 1. Claims 2-10 and 15-17 are ultimately dependent on claim 1, and therefore, claims 1-10 and 15-17 are allowable as complying with the written description requirement.

35 USC §103

Claims 1-10 are rejected under 35 USC §103(a) as being unpatentable over Hoogendonk (US 3083406) in view of Holland et al (1995), Frenken et al (US 3988398) and Otsuka et al (US 3529326). The Applicant respectfully disagrees, especially in view of the amendments presented herein.

Claim 1 contains the provision that the components are reacted "at a temperature and for a time sufficient to form a shear-thinnable mixture having a viscosity, whereby the viscosity decreases with increased shear rate...". It is clear from this provision that those shear-thinnable mixtures having a viscosity, whereby the viscosity decreases with increased shear rate are those shear-thinnable mixtures contemplated herein. In other words, thixotropic fluids – those fluids whose viscosity decreases with time at constant shear rate – are not those fluids contemplated herein.

As the Examiner admits, Hoogendonk discloses thixotropic mixtures – the kind of mixtures not contemplated by the claims of the present application. The Examiner further relies on Holland et al. to show that thixotropic materials (those materials not contemplated herein) are shear thinning. In addition, Frenken et al and Otsuka et al. do not teach, disclose or suggest to one of ordinary skill in the art the use of shear-thinning materials having a viscosity, whereby the viscosity decreases with increased shear rate. As a matter of fact, since Hoogendonk and Holland both teach thixotropic materials and mixtures (those materials not contemplated herein), none of these references teach, suggest or motivate one of ordinary skill in the art alone or in combination that a shear-thinning mixture having a viscosity where the viscosity decreases with increased shear rate.

Based on the arguments presented above, claim 1 is allowable as patentable in view of the references cited herein by the Examiner. In addition, claims 2-10 are allowable as patentable by virtue of their dependency on independent claim 1.

Claim 15 is rejected under 35 USC §103(a) as being unpatentable over Hoogendonk (US 3083406) in view of Holland et al (1995), Frenken et al (US 3988398) and Otsuka et al (US 3529326) as applied to claims 1-10 above, further in view of Bassetti et al (US 5378259). The Applicant respectfully disagrees, especially in view of the amendments presented herein.

Claim 1 contains the provision that the components are reacted "at a temperature and for a time sufficient to form a shear-thinnable mixture having a viscosity, whereby the viscosity decreases with increased shear rate...". It is clear from this provision that those shear-thinnable mixtures having a viscosity, whereby the viscosity decreases with increased shear rate are those shear-thinnable mixtures contemplated herein. In other words, thixotropic fluids – those fluids whose viscosity decreases with time at constant shear rate – are not those fluids contemplated herein.

As the Examiner admits, Hoogendonk discloses thixotropic mixtures – the kind of mixtures not contemplated by the claims of the present application. The Examiner further relies on Holland et al. to show that thixotropic materials (those materials not contemplated herein) are shear thinning. In addition, Frenken et al, Otsuka et al. and Bassetti et al. do not teach, disclose or suggest to one of ordinary skill in the art the use of shear-thinning materials having a viscosity, whereby the viscosity decreases with increased shear rate. As a matter of fact, since Hoogendonk and Holland both teach thixotropic materials and mixtures (those materials not contemplated herein), none of these references teach, suggest or motivate one of ordinary skill in the art alone or in combination that a shear-thinning mixture having a viscosity where the viscosity decreases with increased shear rate.

Based on the arguments presented above, claim 1 is allowable as patentable in view of the references cited herein by the Examiner. In addition, claim 15 is allowable as patentable by virtue of its dependency on independent claim 1.

Claims 16-17 are rejected under 35 USC §103(a) as being unpatentable over Hoogendonk (US 3083406) in view of Holland et al (1995), Frenken et al (US 3988398) and Otsuka et al (US 3529326) as applied to claims 1-10, further in view of Stengel (US 3021207). The Applicant respectfully disagrees, especially in view of the amendments presented herein.

Claim 1 contains the provision that the components are reacted "at a temperature and for a time sufficient to form a shear-thinnable mixture having a viscosity, whereby the viscosity decreases with increased shear rate...". It is clear from this provision that those shear-thinnable mixtures having a viscosity, whereby the viscosity decreases with increased shear rate are those shear-thinnable mixtures contemplated herein. In other words, thixotropic fluids – those fluids whose viscosity decreases with time at constant shear rate – are not those fluids contemplated herein.

As the Examiner admits, Hoogendonk discloses thixotropic mixtures – the kind of mixtures not contemplated by the claims of the present application. The Examiner further relies on Holland et al. to show that thixotropic materials (those materials not contemplated herein) are shear thinning. In addition, Frenken et al, Otsuka et al. and Stengel do not teach, disclose or suggest to one of ordinary skill in the art the use of shear-thinning materials having a viscosity, whereby the viscosity decreases with increased shear rate. As a matter of fact, since Hoogendonk and Holland both teach thixotropic materials and mixtures (those materials not contemplated herein), none of these references teach, suggest or motivate one of ordinary skill in the art alone or in combination that a shear-thinning mixture having a viscosity where the viscosity decreases with increased shear rate.

Based on the arguments presented above, claim 1 is allowable as patentable in view of the references cited herein by the Examiner. In addition, claims 2-10 are allowable as patentable by virtue of their dependency on independent claim 1.

REQUEST FOR A TELECONFERENCE

The Applicant respectfully requests that the Examiner contact the undersigned Attorney-of-Record for a teleconference, if the issues raised in Paper No. 16 are not resolved by the amendments and arguments presented herein. The undersigned Attorney-of-Record can be reached by the direct phone, fax and E-mail address shown below.

REQUEST FOR ALLOWANCE

Claims 1-10 and 15-17 are pending in this application, and the Applicant respectfully requests that the Examiner reconsider all of the claims in light of the arguments presented and allow all current and pending claims.

Respectfully submitted,

Bingham McCutchen, LLP

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